

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

February 8, 2008

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

KAUAI

Consent to Assign Grant of Non-Exclusive Easement S-5725, to Carrie Riley and Shawn Riley, Assignor, to Riley Condominium Homeowners Association, Assignee, Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-6-7: por. 12.

APPLICANT:

Carrie Riley and Shawn Riley, as tenants by the entirety, as Assignor, to Riley Condominium Homeowners Association, whose business and mailing address is 1403 S. Jameson Lane, Santa Barbara, California, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kapaa Homesteads, 1st Series, situated at Kapaa, Kawaihau, Kauai, identified by Tax Map Key: (4) 4-6-7: por. 12, as shown on the attached map labeled Exhibit A & Exhibit B.

AREA:

.005 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for access and utility purposes.

TERM OF LEASE:

55 years, commencing on 1st day of March, 2005 and expiring on 28th day of February, 2060. There are no rental reopenings.

ANNUAL RENTAL:

Not applicable. \$550.00 one-time payment received on July 26, 2004.

CONSIDERATION:

Gratis

RECOMMENDED PREMIUM:

Not applicable as the easement does not allow for a premium.

DCCA VERIFICATION:

ASSIGNOR:

Place of business registration confirmed:	n/a
Registered business name confirmed:	n/a
Good standing confirmed:	n/a

Not Applicable, Assignors are individuals.

ASSIGNEE:

Place of business registration confirmed:	Yes
Registered business name confirmed:	Yes
Good standing confirmed:	Yes

REMARKS:

The Board on January 23, 2004, under Item D-5, approved the issuance of a term, non-exclusive easement to Carrie and Shawn Riley over the State-owned 141 square feet Kainahola Ditch right-of-way for access and utility purposes, to service their property identified by TMK: (4) 4-6-7: 25 as shown on attached labeled Exhibit C.

Carrie and Shawn Riley recently did a condo conversion of their lot and subsequently formed

the Riley Condominium Homeowners Association.

Grantee's are in compliance with all lease terms and conditions including updated insurance policy. Riley Condominium Homeowners Association has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

The following comments were received for this application:

**State Agencies:**

Department of Health: No Comments

DLNR - Historic Preservation: No Comments

DLNR - CWRM: No Comments

OHA: Ceded Lands - 20% Revenue Share

**County Agencies:**

Planning Dept.: No Comments

Public Works: No Objections

Water Dept.: If applying for future water meter, request information on water system status.

**Other Agency:**

East Kauai Water Users Coop.: No Objections

**RECOMMENDATION:**

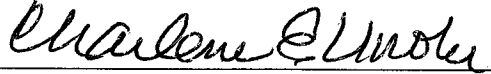
That the Board consent to the assignment of Grant of Non-Exclusive Easement S-5725 from Carrie Riley and Shawn Riley, as Assignor, to Riley Condominium Homeowners Association, as Assignee, subject to the following:

1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and

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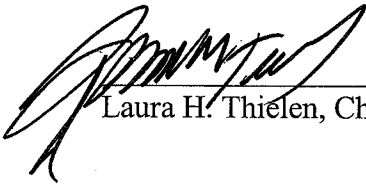
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



for Marvin Mikasa  
Acting Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

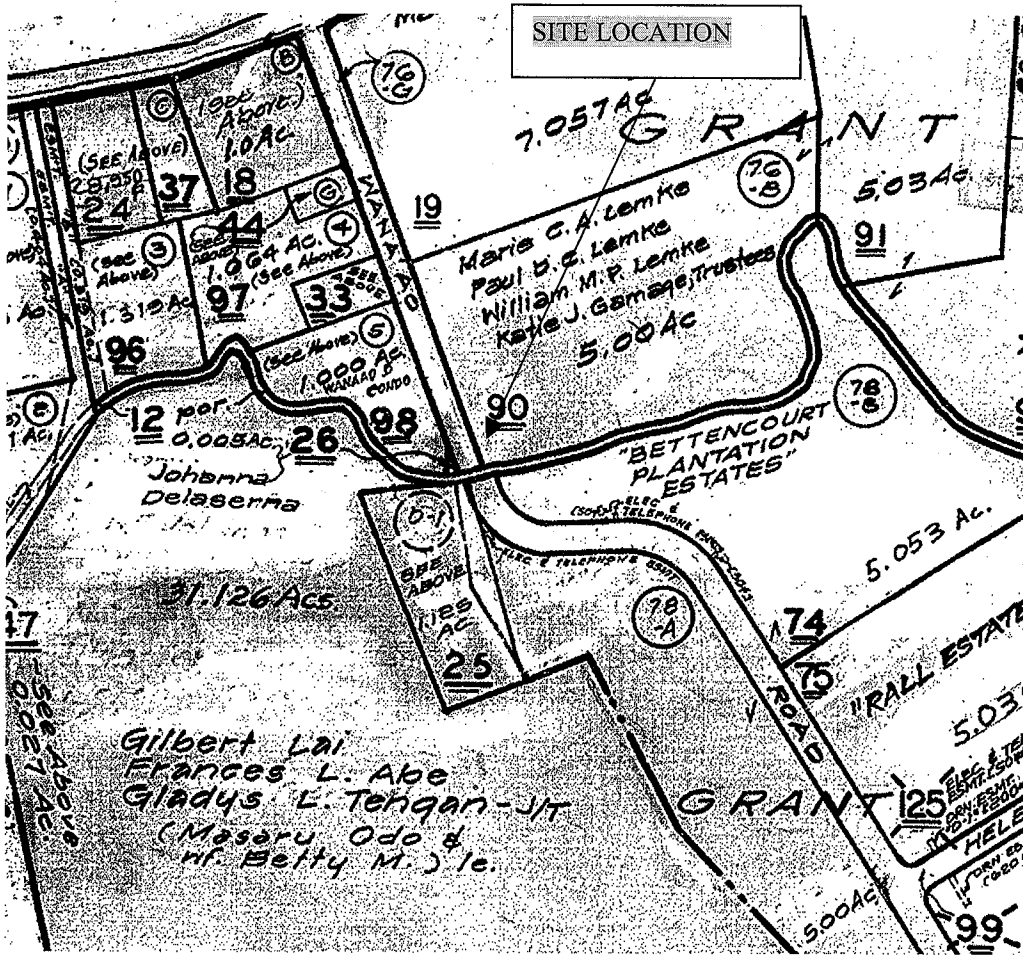
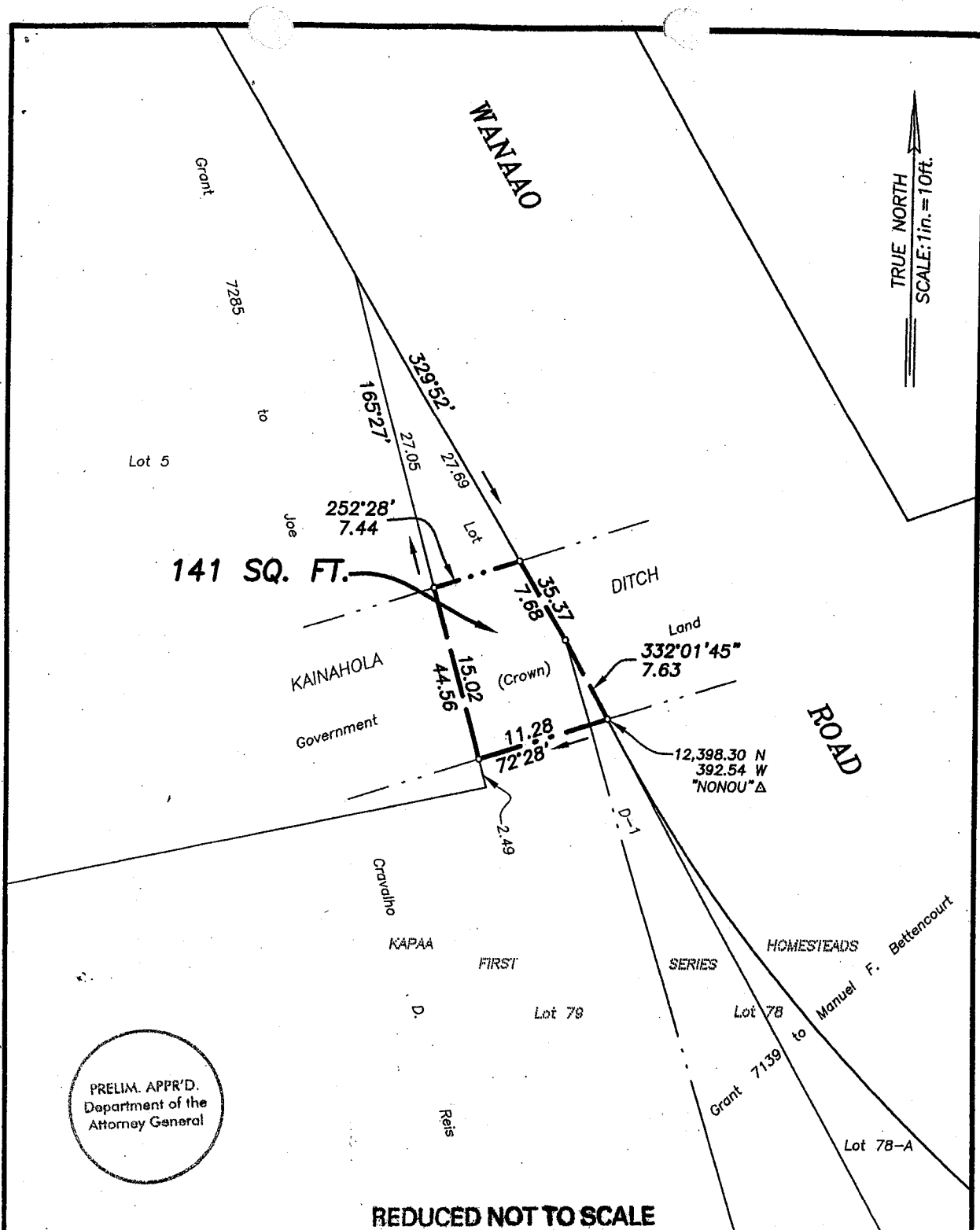


EXHIBIT 'A'

RILEY CONDOMINIUM HOMEOWNERS ASSOCIATION

TMK: (4) 4-6-7: por. 12.



JOB K-65(04)  
C. BK.

TAX MAP 4-6-07

C.S.F. NO. 23,875

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

G.T. October 27, 2004